

REMARKS

By this Amendment, claims 4, 15 and 19 are cancelled, and claims 1-3, 5-14 and 16-18 are amended. Thus, claims 1-3, 5-14 and 16-18 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

The Applicants note that the Examiner failed to acknowledge, in item 12 on the Office Action Summary form, the Applicants' claim of foreign priority based on Japanese Patent Application No. 2000-357930 and the receipt of the foreign priority document. The Claim of Priority and a certified copy of the foreign priority document were filed with the application on November 21, 2001. For the Examiner's convenience, the Applicants submit herewith a courtesy copy of the Claim of Priority and a copy of the November 21, 2001 postcard which was date-stamped by the PTO to indicate that the Claim of Priority and the certified copy of the foreign priority document were indeed received by the PTO on November 21, 2001. Accordingly, the Applicants respectfully request the Examiner to acknowledge the Applicant's claim of foreign priority and the receipt of the foreign priority document.

On page 2 of the Office Action, claim 16 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner asserted that claim 16, which recited "distribution content," was purely non-functional descriptive material that is non-statutory subject matter. In view of this rejection, claim 16 has been amended to recite "distribution content in which an arrangement of information is contained and which is embodied in a processor readable memory."

Accordingly, by reciting distribution content which is embodied in a processor readable memory, claim 16 is clearly directed to statutory subject matter under 35 U.S.C. § 101. Therefore, by reciting the interrelationship between the distribution content and

the physical structure which is operable to produce a useful, concrete and tangible result, the Applicants respectfully request the Examiner to withdraw the rejection of claim 16 under 35 U.S.C. § 101.

On page 3 of the Office Action, claims 1-4 and 8-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hurtado et al. (U.S. 6,611,812). This rejection is believed to moot with respect to claims 15 and 19 in view of the cancellation of claims 15 and 19.

Without intending to acquiesce to this rejection, independent claims 1, 10-12 and 16 each have been amended in order to more clearly illustrate the marked differences between the present invention and the applied references. Accordingly, the Applicants respectfully submit that the present invention is clearly patentable over the applied references for the following reasons.

Content distribution systems have become available for distributing video or music contents to terminals such as personal computers and portable phones. In the conventional systems, a content (content body) is not simply distributed by itself. Instead, in order to prevent an illegal copy of the content body, the content body is provided with conditions restricting the use of the content body. Conventional systems store content bodies, edit management data for each content body, and respectively provide the management data to the content bodies so as to create distribution content. That is, the distribution content body consists of a content body and a respective management data provided thereto. The management data includes the conditions for the use of the content body at the receiving terminals, such as “playable only when a fee is paid,” and “playable within a certain time period.” In the conventional systems, the created distribution content is forwarded to the terminals, and the terminals are able to replay the content body of the received distribution content according to the management data which is provided to the content body.

However, in the conventional systems, only one management data is provided for each content body. Therefore, replay and billing restrictions can only be made for the entire unit of a content body, not portions of the content body. In other words, a content body cannot be provided with multiple management data providing separate replay and billing restrictions to multiple sections of the same content body. Further, if a content

body is to have a plurality of different types of restrictions on the use of a content body in the conventional systems, different distribution contents must be created for each content body so as to provide for the different types of uses of one content body. For example, if a content provider wishes to provide a promotional distribution content (e.g., a thirty second preview of a music file) to allow the user of the terminal to sample the content body before purchasing the full-package distribution content, the content provider must create, store and transmit a promotional distribution content and a full-package distribution of the same content body, and the user of the terminal must receive the promotional distribution content and then the full-package distribution content before being able to replay the entire content body. As a result, the content creator has to waste storage capacity and time to create both the promotional distribution content and the full-package distribution content, and the user of the terminal has to waste time and communications costs for receiving both distribution contents.

To solve the aforementioned problems with the conventional systems, the present invention creates a distribution content which is provided with a use condition that is only effective to part of the content body of the distribution content. In particular, the present invention provides a distribution content creating apparatus and method, a content distribution system, a terminal for receiving distribution content, and distribution content in which an arrangement of information is contained and which is embodied in a processor readable memory. According to the present invention, the apparatus, method, system and distribution content embodied in the processor readable memory each include distribution content which comprises a content body, a plurality of pieces of management data, and management track data.

In particular, in the distribution content creating apparatus of the present invention, a distribution content creating part is operable to create a distribution content by reading a content body from a content storage part, which stores content bodies, and providing the read content body with a use condition. A distribution content storage part is operable to store the distribution content which is created by the distribution content creating part. The distribution content creating part includes a management data editing part which is operable to edit management data for at least one specific section of the read content body indicating the use condition of the specific section. Further, the

distribution content creating part is further operable to create the distribution content by providing the content body with a plurality of pieces of management data edited by the management data editing part and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data. Further, a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body.

Accordingly, a plurality of management tracks define a plurality of different uses of the content body, and therefore are not defined for a single use of the collection of the content bodies.

Therefore, according to the present invention, because content providers or content creators can assign a plurality of management tracks with a content body, utilization of the content body is under the content providers' or the content creators' control. That is, with the plurality of management tracks that are defined in the distribution content corresponding to a plurality of different uses of the content body, content providers or creators can define a plurality of different uses of the content body. For example, the content providers or creators can change an order in which sections of the content body are reproduced, and can change the reproduction fees for each designated section of the content body.

Claim 1 recites that the distribution content creating part includes a management data editing part which is operable to edit management data for at least one specific section of the read content body indicating the use condition of the specific section. Claim 1 also recites that the distribution content creating part is operable to create the distribution content by providing the content body with a plurality of pieces of management data edited by the management data editing part, and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data. Further, claim 1 recites that a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are

different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body.

Claim 10 recites a method of creating a distribution content including a content body provided with a use condition. The method of claim 10 comprises creating a distribution content by reading a stored content body and providing the read content body with the use condition. Claim 10 recites that in the creating of the distribution content, management data for at least one specific section of the read content body indicating the use condition of the specific section is edited, and the distribution content is created by providing the read content body with a plurality of pieces of the edited management data and with management track data which defines, as a management track, a collection of at least one of the management data selected from the plurality of pieces of management data. Further, claim 10 also recites that a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body.

Claim 11 recites a content distribution system which comprises a distribution content creating apparatus, a distribution apparatus, and a terminal. The distribution content creating apparatus is operable to create distribution content by reading a content body from a content storage part and providing the read content body with a use condition. As recited in claim 11, the distribution content creating part includes a management data editing part which is operable to edit management data for at least one specific section of the read content body indicating the use condition of the specific section. Claim 11 also recites that the distribution content creating part is further operable to create the distribution content by providing the content body with a plurality of pieces of the management data edited by the management data editing part, and with management track data which defines, as a management track, a collection of one or more management data selected from the plurality of pieces of the edited management data. Further, as recited in claim 11, a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body. The

terminal of the system of claim 11 is recited as comprising a replay part which is operable to read the distribution content from a second distribution content storage part, to select one of the plurality of management tracks included in the distribution content stored in the second distribution content storage part according to one of the plurality of different uses, and to replay, according to the selected management track, the specific section of the content body.

Claim 12 recites a terminal for receiving a distribution content including a content body and a plurality of pieces of management data respectively indicating a use condition which is effective to a specific section of the content body. As recited in claim 12, the plurality of pieces of management data have management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data, wherein a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition. The terminal of claim 12 is recited as comprising a replay part operable to read the distribution content from a distribution content storage part, to select one of the plurality of management tracks included in the distribution content stored in the distribution content storage part according to one of the plurality of different uses, and to replay, according to the selected management track, the specific section of the content body.

Claim 16 recites a distribution content in which an arrangement of information is contained and which is embodied in a processor readable memory. The distribution content comprises at least one piece of management data each for at least one specific section of the read content body and indicating the use condition of the specific section. The distribution content of claim 16 also comprises management track data which defines as a management track a collection of one or more management data selected from a plurality of pieces of the management data. Further, as recited in claim 16, a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body.

Hurtado et al. discloses a method of securely delivering encrypted content from a content provider to an end user so that the end user can decrypt and replay the encrypted content. Hurtado et al. discloses that metadata is previously associated with the content, and the content provided with the metadata is stored at the provider side. Once a user selects a content and receives a secure container for decrypting at least part of the content, the user is able to decrypt and replay at least part of the content for which the user has authority to decrypt (see Column 5, line 59 to Column 6, line 14).

Hurtado et al., however, discloses only a single type of use of the collection of contents. That is, Hurtado et al. discloses that the single type of use is only the reproduction of a user's media such as a CD or DVD through a player application 195. In particular, in Column 90, lines 62-64, Hurtado et al. discloses that the player application "provides for editing and playing of collections of content, such as songs, (referred to here as Play-lists)." Accordingly, Hurtado et al. merely discloses a player application 195 which edits a Play-list, as defined above, so as to play a collection of contents based on the edited Play-list. Therefore, the player application 195 merely edits a Play-list for a single type of use, i.e., playing music or video, of the collection of contents.

However, as described above, claims 1, 10-12 and 16 each recite that a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body.

On page 3 of the Office Action, the Examiner contends that "management data editing means for editing management data indicating the use condition effective to a specific section of the read content body" is disclosed in Column 90, lines 55-64 of Hurtado et al. The Applicants respectfully disagree with this contention. As described above, Hurtado et al. discloses the player application 195 which edits the Play-list for the playing of a collection of contents.

However, claim 1 recites that the management data editing part is operable to edit management data for at least one specific section of the read content body indicating the

use condition of the specific section. Therefore, the management data of claim 1 is clearly not directed to a collection of contents.

Accordingly, Hurtado et al. clearly does not disclose or suggest a management data editing part which is operable to edit management data for at least one specific section of the read content body indicating the use condition of the specific section, as recited in claims 1 and 11. Similarly, Hurtado et al. also clearly does not disclose or suggest that management data for at least one specific section of the read content body indicating the use condition of the specific section is edited, as recited in claim 10, or a plurality of pieces of management data respectively indicating a use condition which is effective to a specific section of the content body, as recited in claim 12. Furthermore, Hurtado et al. also clearly does not disclose or suggest at least one piece of management data each for at least one specific section of the read content body and indicating the use condition of the specific section, as recited in claim 16.

Moreover, as described above, claims 1 and 11 each recite that the distribution content creating part is operable to create the distribution content by providing the content body with a plurality of pieces of management data edited by the management data editing part, and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of the management data. Similarly, claim 10 recites that the distribution content is created by providing the read content body with a plurality of pieces of the edited management data and with management track data which defines, as a management track, a collection of at least one of the management data selected from the plurality of pieces of management data. Similarly, claim 12 recites that the distribution content includes a content body and a plurality of pieces of management data and that the plurality of pieces of management data have management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data. That is, the distribution content includes a content body, a plurality of pieces of management data, and management track data. Further, claim 16 recites that distribution content comprises a content body, at least one piece of management data, and management track data which defines, as a management track, a collection of one or more management data selected from a plurality of pieces of the management data.

Accordingly, because the distribution content recited in claims 1, 10-12 and 16 includes a content body, a plurality of pieces of management data, and management track data, these data are simultaneously distributed to the terminal. As a result, the plurality of management data and the management track data provided with the content body, collectively as the distribution content, allow the user of the terminal to utilize the content body for different uses without requiring the additional downloading of management data and/or management track data, because the distribution content already includes a plurality of management track data which define a plurality of different uses of the content body.

However, as disclosed in Columns 29-30 and Figure 6 of Hurtado et al., the metadata CS 620, which the Examiner contends to correspond to the management data and/or the management track data of the present invention, is delivered separately from the content 113. Therefore, the metadata CS 620 and the content 113 are clearly not distributed simultaneously. Accordingly, if the user wishes to utilize the content 113 for a use which is different from the one the user was provided authorization for, the user must download a different metadata CS 620 corresponding to the different use.

Therefore, Hurtado et al. clearly does not disclose or suggest providing the content body with a plurality of pieces of edited management data and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of the management data, as recited in claims 1, 10-12 and 16.

Accordingly, for the foregoing reasons, Hurtado et al. clearly does not disclose or suggest each and every limitation of claims 1, 10-12 and 16.

Therefore, claims 1, 10-12 and 16 are clearly not anticipated by Hurtado et al. since Hurtado et al. fails to disclose each and every limitation of claims 1, 10-12 and 16.

On page 9 of the Office Action, claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hurtado et al. in view of Purnaveja et al. (U.S. 6,006,241). As described above, Hurtado et al. clearly does not disclose or suggest each and every limitation of claims 1, 10-12 and 16. Furthermore, for the foregoing reasons, Purnaveja et al. fails to cure the deficiencies of Hurtado et al. for failing to disclose each and every limitation of claims 1, 10-12 and 16.

· Purnaveja et al. discloses synchronization scripts and associated annotated multimedia streams for servers and client computers which are coupled to each other by various networks. However, Purnaveja et al. clearly does not disclose or suggest management data for at least one specific section of the read content body indicating the use condition of the specific section is edited, and the distribution content is created by providing the read content body with a plurality of pieces of the edited management data and with management track data which defines, as a management track, a collection of at least one of the management data selected from the plurality of pieces of management data, as recited in claims 1, 10-12 and 16. Further, Purnaveja et al. also clearly does not disclose or suggest that a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body, as recited in claims 1, 10-12 and 16.

Therefore, neither Hurtado et al. nor Purnaveja et al., either individually or in combination, disclose or suggest each and every limitation of claims 1, 10-12 and 16.

Accordingly, no obvious combination of Hurtado et al. and Purnaveja et al. would result in the inventions of claims 1, 10-12 and 16 since Hurtado et al. and Purnaveja et al., either individually or in combination, disclose or suggest each and every limitation of claims 1, 10-12 and 16. Therefore, claims 1, 10-12 and 16 are clearly patentable over Hurtado et al. and Purnaveja et al.

Furthermore, the Applicants submit that the clear distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Hurtado et al. and Purnaveja et al. in such as manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 10-12 and 16. Therefore, it is submitted that the claims 1, 10-12 and 16, as well as claims 2-3, 5-9, 13-14 and 16-18 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

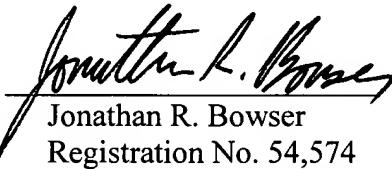
If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a one-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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